

HISTORICAL RESEARCH AND EDUCATIONAL LABOR

ILLUSTRATED IN THE WORK OF

ELISHA REYNOLDS POTTER,

LATE JUDGE OF THE SUPREME COURT OF RHODE ISLAND.

AN ADDRESS DELIVERED BEFORE THE

RHODE ISLAND HISTORICAL SOCIETY,

JULY 11, 1882.

BY

SIDNEY S. RIDER.

PROVIDENCE:
THE FRANKLIN PRESS COMPANY.
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Annie E. Rider
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MINUTE
ENTERED ON THE RECORDS OF THE RHODE ISLAND
HISTORICAL SOCIETY, JULY 11, 1882.

A distinguished member of this Society has been removed by death since our last quarterly meeting, whose constant and valuable labors in aid of our local history, as well as his public services, deserve special recognition.

The Honorable Elisha Reynolds Potter, of South Kingstown, died at his home, April 10, 1882, in the 71st year of his age.

Born at Kingston, June 20, 1811; endowed with the prestige of his father's name; prepared for college at the academy in his native village; graduated at Harvard University in 1830; he entered upon the study of law and was admitted to the bar of this State October 9, 1832. The taste for historical pursuits was developed in his early life, and in him we have the remarkable instance of a young man hardly twenty-four years old gathering the scattered and perishing memorials of the settlement of the ancient King's Province, which, in 1835, under the title "Early History of Narragansett," he gave to this Society for its third volume of collections. In 1837, as the result of diligent research and careful study, he prepared and published an account of the paper currency of Rhode Island, which was reprinted by Mr. Henry Phillips, Jr., in his "Historical Sketches of the Paper Currency of the American Col-

onies," and again reprinted, enlarged and revised by Mr. Rider in his series of Rhode Island Historical Tracts. Besides these, in frequent addresses and papers, in legislative speeches, and newspaper articles, in numerous genealogies and even in notes to judicial opinions, he has added largely to our historical literature and preserved much valuable information which might otherwise have been lost.

The greater part of his life was devoted to public service, at different times in the General Assembly of the State; during one session in Congress; for five years as Commissioner of Public Schools, and, for the last twelve years, on the bench of the Supreme Court. In private life he was a kind neighbor, a true friend, a wise counsellor and an honored citizen. He was admitted a resident member of this Society July 19, 1832, and from 1850 to 1855 held the office of Vice-President. For love of his native State; for honorable public service; for faithfulness to duty; for patience in endeavor; for variety of learning; for purity of character; for abounding charity, and for that crowning glory of man's life—the earnest effort to make others wiser, happier and better—his memory will long be cherished and his beneficent example held in grateful honor.

THE ADDRESS.

Mr. President and Gentlemen :

Brought by the nature of my avocation into almost daily contact with the most carefully and highly educated men and women in Rhode Island, it has become almost a passion to recall and consider the memories of some such men and women who once were, but are now no longer my contemporaries. Among these men and women were Thomas Allen Jenckes, Dr. Isaac Ray, Albert Gorton Greene, Robinson Potter Dunn, J. Lewis Diman, Elisha Reynolds Potter, and, notwithstanding anachorism, I now include the names of Mrs. Anna A. Ives, Mary E. Potter and Elizabeth Francis. With the minute placed upon our records to preserve the memory and attest our respect for our late learned associate, Elisha Reynolds Potter, I am heartily in accord. Moreover (I speak with all due courtesy), Judge Potter was my personal friend. I can give no better reason for this friendship than my own appreciation for the integrity of his historical labors; for them I have only admiration. Made at a time so early, when research among dusty manuscripts was so difficult, and when historical accuracy was considered of secondary importance, not only in Rhode Island, but elsewhere in New England, Mr. Potter's works stand forth with increasing brilliancy; they marked an epoch. There can be no better way of giving emphasis to these opinions than by giving an account of Mr. Potter's work along these lines. These rehearsals may be as household tales retold

to you; nevertheless bear with me a few moments while I set them before you. Little has since been discovered that Mr. Potter failed to find, and not a single fact that he mistated or misrepresented.

The earliest work, in print, by Mr. Potter is a report prepared for the Committee on Religious Corporations of the R. I. General Assembly and made to that body in January, 1834. Mr. Potter was not a member of the committee, nor, indeed, of the Legislature, but he was employed by the committee to write its report. He was less than 23 years of age. The report is exhaustive in its examination of the powers granted by the General Assembly to religious corporations, and he who wishes to understand this subject can rely upon its statements with perfect safety. He will find discussed in the report the question of taxation of church property and the necessity of statutes of mortmain.

The following year, 1835, Mr. Potter issued his second work, the "Early History of Narragansett." This society purchased a number of copies and made it the third volume of their Collections. The period covered by this book is from the earliest notices of these lands by the first settlers in New England, to about the year 1730, just a century. The book is more in the form of annals than of a digested story. In the appendix the author gathered many documents which had, until that time, been unpublished. This was the pioneer work on the subject. It has always been, and now continues the chief authority. When we consider the difficult nature of the gathering of such scattered historical material for the first time, the exhaustiveness and the accuracy of the work, and the

youthfulness of the author at the time the work was done, it is apparent that all must concede it to be a marvellously excellent production.

The copy of this book in the collection which I have gathered is a presentation from the author to Albert G. Greene, 9th December, 1835. It now contains notes of errors, citations of authorities, and other historical notes by myself. The book is in chronological order. There are eight typographical errors in date; for instance, p. 47, 1647 appears as 2647; pp. 55-6, 1658 appears three times as 1758, etc. On page 109, under the date May, 1701, a "Deed of Potowomut" is mentioned. In the R. I. Col. Rec., v. 3, p. 439, this document is mentioned as a "Deed of Portsmouth." The error is in the Colonial Records: Mr. Potter is correct. I have spoken of eight typographical errors in dates, and given but four instances; since it may help others I note the others: At p. 58 the date 1658 appears as 1668; at p. 60 the date 1659 appears as 1639; at p. 77 the date 1658 appears as 1657; at p. 107 the date 1687 is printed 1787.

The use of the word "thickest" by Mr. Potter affords me an opportunity to still further illustrate his accuracy by a curious note. In the year 1641 he states (page 31) that Richard Smith purchased land and built a house among the *thickest* of the Indians." Mr. Potter does not cite his authority, but I will cite it: Mass. Hist. Soc. Coll., 1st Ser., v. 5, p. 216, and it is correctly used by Mr. Potter. On page 166 of his appendix Mr. Potter prints a letter written by Roger Williams in which the phrase occurs: Smith "put up in the *thickest* of ye barbarians ye first English house." Where Mr. Potter made his copy of this letter he does not state, nor have I discovered.

Mr. Backus (*Hist. New Eng. Baptists*, v. 1, p. 421, 1777) also prints this letter, in which this word "thickest" is printed "thickets." These two copies are verbally very different. In 1834 Mr. Knowles (*Memoir of Roger Williams*, 349) reprints the letter, but where Backus printed "thickets" Mr. Knowles prints "thickest." In 1874 the 6th volume of the Narragansett Club Publication was printed, and this letter was again taken from Backus and precisely the same error was made—"thickets" was printed "thickest." It is thus easily shown that Mr. Knowles and Mr. Bartlett, who edited the I, II, Narr. Club were both in error; but I cannot yet show which was correct, Mr. Potter or Mr. Backus, in Mr. Williams' use of the word thickets or thickest. Not an error do my notes disclose, and but few citations of authorities in support, or of additional facts of material consequence.

In 1886 this volume was reprinted, and at the end of the volume the "Notes and additional matter in illustration of the preceding portion of this volume" was added, covering upward of a hundred pages.

In May, 1823, Elisha R. Potter, Sen., with eight other men, procured from the General Assembly a charter of incorporation for the Pettaquamscut Academy. These gentlemen stated that "for some years past they had supported a grammar school at Little Rest in South Kingston, and now desired incorporation. In June, 1823, certain Pettaquamscut land which a century and a quarter before had been bequeathed for educational purposes, was ordered sold by the General Assembly and the proceeds devoted to the uses of this Academy. In May, 1826, the name was changed to Kingston Academy.

With this institution Elisha R. Potter, Jr., was connected in many ways. He was there a student, a classical teacher, a trustee, and president. He prepared the catalogues, in which are the names of students who became most prominent men in years afterward. Mr. Potter, as president, prepared a statement in relation to the funds of the academy which contains historical information not easily accessible elsewhere. It was printed in 1836.

In 1837 Mr. Potter issued his third work, a brief account of emissions of paper money made by the Colony of Rhode Island. This was a pamphlet of fifty pages. It was, like its predecessors, a work of original research, covering a period from 1710 to 1786. It was reprinted by Mr. Henry Phillips, Jr., in his *Historical Sketches of the Paper Currency of the American Colonies*, but without note or comment. This was about 1863. It has since been re-written and published in the series *Rhode Island Historical Tracts*, with an index and many *fac similies*. The inherent interest of the subject, stimulated by the very high price which the little pamphlet reached at the various auction sales throughout the country, suggested its re-publication. It may with propriety now be stated that the price of the Tract itself has already more than doubled, although the book has been published less than two years.

In 1839, Mr. Potter, being a member of the R. I. House of Representatives, wrote a report concerning the affairs of the Narragansett tribe of Indians (*Jan. Acts & Resolves, R. I. Gen. Assem.*, p. 28), covering their land titles and the encroachment of their white neighbors upon their lands. Severe punishments were suggested by Mr. Potter, but never put into execution.

In 1842, at the close of the political troubles resulting in the formation of the present constitution of Rhode Island, Mr. Potter published his fourth work. He called it "Considerations on the Questions of the Adoption of a Constitution and Extension of Suffrage in Rhode Island." The author says in his preface that altogether military force was no longer to be feared, yet civil agitation will doubtless long continue. The present constitution had not been adopted. He pretends to no originality of thought in the presentation of his subject, but frankly states that he has gathered from many authors whatever appeared to him to be common sense, and when it was stated in strong and forcible language, incorporated it into his argument, of course giving credit for the same, preferring rather to lose the reputation for originality for himself and gain in weight of authority for the opinions which he advocated. The pamphlet is of the greatest value. It is essentially historical, and like all its predecessors, a book of original research. It is a complete and perfect epitome of the political history of the Colony and State of Rhode Island from the earliest times. It was printed in Boston in 1842. The edition soon became exhausted, but the continuous demand upon its author for copies from all parts of the country induced him in 1879 to reprint it without change, but in a note he frankly says that having been printed so long ago it requires some little knowledge of Rhode Island history to understand its allusions and references and therefore recommends the politicians of the present day to take a slight preparatory course in that study before undertaking it. It was while Mr. Potter was a member of the national House of Representatives, in 1844, that the

Democratic members of the Rhode Island General Assembly sent to the House a memorial asking the House to inquire into the conduct of the President of the United States in relation to the late troubles in Rhode Island. A select committee was appointed, to whom the memorial was referred. Mr. Burke, of this committee, moved for power to send for persons and papers. Mr. Cousin, of the same committee, moved that the select committee be discharged from further consideration of the subject. Mr. Potter addressed the House, urging his reasons why the first of these motions should not prevail and the subject be not further acted upon.

His argument was unsuccessful, the committee was continued and two reports came from it. A majority report now known as Mr. Burke's and minority report as Mr. Cousin's, much less in size and much less known than the former.

Mr. Potter now became deeply interested in the subject of popular education, and for the succeeding ten years he gave his entire time to the gathering and dissemination of ideas relating to the subject. Laws were lacking. Mr. Potter entered at once into the work, and laws were made. Thereupon he prepared for popular use Remarks on the Provisions of the School Laws and on the Duties of the different officers and bodies under them. These he followed by a set of forms, or precedents for proceedings in the administration of the system, and still further by a specimen of rules and regulations for adoption by the school committees of the several towns.

The object of all this work was, of course, to explain to the people the laws which had been made, and to prepare their

minds to receive and execute them. The use of the forms was to assist the people in the execution of the laws, while the regulations proposed were to assist school committees in the prosecution of their duties. Very much of this work still remains in active use throughout the State.

His services in this preliminary work, and the wisdom he exercised in the preparation and adaptation of a new system, so that it would enter upon its work not only with the least possible friction, but with positive satisfaction, a system so intimately connected with the social life of every individual must be conceded by all to be the consummate art of the statesman. With all these good works I must claim for my friend the most intimate personal connection.

Mr. Potter continued these labors in the cause of popular education by the careful selection of books for village libraries, leading the way by the establishing of such an institution in his native town at his own personal cost and free to everybody. He printed catalogues for gratuitous distribution among the people, teaching them how to select good books, and these he followed by little tracts which he called "Hints on Reading." So modest was he in his work that none of these things bear his name, and few knew him to be connected with their issue. For the purpose of interesting his townspeople in the studies which he loved so much, he prepared and delivered before a lyceum there an essay, which he called "A Brief History of the English Language, and of the Principal Changes it has Undergone." This essay commanded the admiration of the best educators of the time. It was reprinted at length in the Massachusetts Common School Journal, thereby reaching an

audience much larger than that for which Mr. Potter intended it.

In 1849 Mr. Potter became Commissioner of Public Schools, following Mr. Barnard, who retired from ill-health. This office Mr. Potter held until October, 1854, his last report being made to the General Assembly at that session. The subjects discussed by Mr. Potter in these annual reports well illustrate the labors which he performed and the intelligence which he brought to bear upon them. The following are some of these subjects: The Object of Education, The Studies, The Means of Improving the Public Schools, Lyceum Lectures, Grades and Qualifications of Teachers, The Arrangement of Districts, The Education of Children in Factories, Moral Education, The Relation of Education to the Prevention of Crime, The Establishment of a Normal School for the Education of Teachers, The Proper Place of Colleges in the Educational System, Objections to Education Considered, The Fundamental Principles of a Public Educational System, Of Prayer and Religious Exercises in Public Schools, and the Connection of these Schools with Religion, The Use of the Bible in the Public Schools, and many kindred matters.

On the subject of Religious Instruction in the Public Schools he published a report of upwards of two hundred pages, embodying his own views, sustained by the opinions of the best classes of English writers upon the subject. His research in this case was very great, and his report is a complete encyclopædia upon the subject. He sums up the case by saying there are two principal versions of the Bible. One the Douay used by Roman Catholics, and the other the King

James used by Protestants. The Roman Catholic objects to having his children obliged to read from the King James version. Thereupon Mr. Potter asks the Protestant, were he to move into a neighborhood where the Roman Catholic influence prevails in the schools, would he like that his children were obliged to read the Douay Bible? and then he refers them both to the golden rule: "Do unto others as ye would that others should do unto you."

In February, 1851, Mr. Potter delivered an historical address before this society. It was subsequently published. It presented some considerations respecting the history of education in this State, with reference to the causes which prevented, during the earlier years of the settlement, the establishment of a system of public instruction. It sets forth in a clear light the persecutions of the first settlers by surrounding colonies, the causes which led them here and in a general way the results which followed the bringing together of incongruous elements. The address having long been out of print, a second edition was published in 1875. It was unchanged, save by the addition of a single historical note concerning slaves and slavery in Massachusetts and the other New England States.

In January, 1852, Mr. Potter began the publication of a monthly educational magazine. It was sustained mainly by his own contributions, and such selections from contemporary English and American writers as he saw fit to include. Mr. Potter continued this publication until and including August, 1853, when it expired. The searcher among the leaves of this unpretending little magazine will find them enriched with

some of the choicest bits of English literature which the language affords. Educational topics are discussed with that brevity and plain common sense which characterizes all the work of this laborious scholar.

The work done by Mr. Potter upon the map of Rhode Island made by H. F. Walling in 1854 and republished in 1855 is one of the most valuable historical works ever done by him. On these maps are indicated the localities of all known purchases of land from the Indians, and the Indian names are affixed to all localities which Mr. Potter could discover; it is indeed a mine of Indian nomenclature.

The Rhode Island Normal School was opened at Providence in May, 1854. The delivery of an address at the opening devolved upon Mr. Potter in his capacity of Commissioner of Public Schools. He presents in a clear and concise way the purpose for which the school was established, warns both teachers and pupils of the dangers which he thinks beset the enterprise, and urges all to work together for the common good. He entered heartily into the work, notwithstanding he had been in favor of another plan. He thought that Brown University, being possessed of the necessary appliances, could more cheaply and better prepare and supply the common schools with teachers than a new institution standing alone by itself could do.

In August, 1861, Mr. Potter being a Senator from South Kingstown, offered in the Senate the following resolution: "Resolved, That in the present crisis of our public affairs there ought to be a full and sincere union of all parties in support of the constitutionally elected government of the

United States, and that this General Assembly pledges to the President of the United States the best exertions of the government and people of Rhode Island and its entire resources for the preservation of the Union." This resolution Mr. Potter supported in a speech, which was subsequently printed. The speech was delivered just after the first battle at Bull Run. In it is this paragraph: "And to such a war, an anti-slavery war, it seems to me we are inevitably drifting. It seems to me hardly in the power of human wisdom to prevent it. * * Compromise is for the present out of the question. Since the last battle the South will not, and the North cannot with self-respect offer terms of peaceable re-union." This was two years in advance of the Emancipation Proclamation.

In August, 1862, Mr. Potter, still a member of the Rhode Island Senate, prepared a report upon the "Right of a Legislature to Grant a Perpetual Exemption from Taxation." The question was as to the repeal of that portion of the charter of Brown University which exempted the property of the President and professors from taxation. A repealing act was proposed, and many cases cited in support of the position that the General Assembly did not possess the power to grant such exemption. But the corporation consenting, an act limiting the amount of such exemptions to ten thousand dollars was passed, so that the principle contended for in the report was not acted upon by the Legislature.

In March, 1863, Mr. Potter offered, in the Rhode Island Senate, the following: "Resolved, That in the opinion of this General Assembly it is desirable to effect a settlement of our present national difficulties upon the basis of a restoration of

the constitutional rights of all the States, as soon as it can honorably be done." This resolution Mr. Potter supported in a speech of great vigor and characteristic research, but the resolution failed of a passage, and on the same day the Assembly adjourned.

One of the most laborious efforts in Mr. Potter's life was his deposition in the copyright case *Lawrence vs. Dana*. This labor was nothing less than the careful examination, page by page, even line by line, of two books, one of them nearly 1200 pages and the other nearly as many. About a hundred thousand printed lines were examined with a minuteness and carefulness unequalled in such cases hitherto. This was accomplished in 1867. As a printed document it covers above a hundred and fifty closely printed pages, and is indeed a literary curiosity.

The last published work of Mr. Potter was a Memoir concerning the French settlements in the colony of Rhode Island. The outrages perpetrated upon this little colony were mentioned in his historical address in 1851. In this memoir they are vividly set forth in detail. The genealogies of several Rhode Island families appear in this tract. Genealogy was a study to which Mr. Potter had given much attention.

In this sketch I make no mention of the judicial opinions of Judge Potter, which may be found in their proper places in the Rhode Island Reports; nor of the great research and labor, the work of his hand and mind in the "History of the Narragansett Church," tracings of which appear on almost every page.

These comprise all the printed works of Mr. Potter so far as my present knowledge extends. Allusion has been made in a recent biographical notice to a report on abolition petitions, but no copy of it has fallen under my notice.

Great as was the labor and research required in these various works, they are as nothing when compared to the work done by Mr. Potter in the books in his library at Little Rest. Here every book shows tracing of his examination. Let us take ever so secluded a walk in his library, we shall find the fingermarks of this indefatigable scholar.

Possessed of a knowledge of surveying, scarcely a farm in the Narragansett country is there which he had not measured, and its metes and bounds examined. He knew the history of every land title from the advent of Richard Smith to the day when he died. Possessed of a knowledge of botany, not a flower was born, and grew, and died that he had not learned its pedigree. Possessed of a knowledge of forestry, not a tree nor a shrub grew in the south counties of which he knew not its story. Virgil was his favorite Latin author, but his library is filled with the classics in many editions, both ancient and modern. He could read Dante and Tasso in their mother tongue, and with French he was as familiar as with English. Passionately fond of the terse and sententious sayings of men, he had a large book case filled with what we now term *Ana*, every book of which shows his handiwork. In some former time of his life he had given much time to the history of religion, and no man among us possessed a greater knowledge. In a knowledge of matters concerning the laws and history of Rhode Island, few men were his equals, and none his superior.

Mr. Potter was an immense collector of books, but he was more than that; he was an immense reader of books, and which were read for the purpose of acquiring knowledge. A fact which he had once read never after escaped from his tenacious memory, but years afterwards he could at once recall it for immediate use.

Unnumbered times have I had occasion to test his memory in this way, and I can remember no occasion when he kept me waiting an answer. His knowledge was ever present, and ever free to every seeker who sought for it in the right spirit and had good cause for his inquiries.

Thus then stands forth the character of my friend.

He was the friend of the poor. He was among the earliest and strongest friends of education free to all people. He was the careful and laborious student of the State for the good of the State. He was the staunch supporter of the State and of the general Government in their times of extremest peril. He was the first among us to establish at his private cost free public libraries—a project which the State now fosters and men emulate. If these things are virtues, then, indeed, was my friend virtuous.



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